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DESCRIPTION

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Deanna Halliwell
Operator's Signature

10/3/03
Date

2003 HOUSE JUDICIARY

HB 1390

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10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1390

House Judiciary Committee

☐ Conference Committee

Hearing Date 2-4-03

Tape Number	Side A	Side B	Meter #
2		xx	45.3-end
Committee Clerk Signature <i>APinose</i>			

Minutes: 13 members present.

Chairman DeKrey: We will open the hearing on HB 1390.

Justice Dale Sandstrom: (see attached testimony)

Rep. Klemin: The Supreme Court will set the fee for filing electronic documents.

Justice Sandstrom: Yes, that is our intent.

Rep. Klemin: Does the Supreme Court set fees of anything else.

Justice Sandstrom: No, but there is a fee for appeals. The fees will be set on actual costs for copies when filed by electronic means.

Rep. Klemin: Will they be charged for paper and disc form.

Justice Sandstrom: No, they are not charged for providing paper copies, only when submitted electronically without the paper copies, and we have to make the copies.

Chairman DeKrey: Thank you. Any further testimony. What are the committee's wishes in regard to HB 1390.

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Date

Page 2
House Judiciary Committee
Bill/Resolution Number HB 1390
Hearing Date 2-4-03

Rep. Eckre: Make a Do Pass motion.

Rep. Maragos: Seconded.

13 YES 0 NO 0 ABSENT

DO PASS

CARRIER: Rep. Eckre

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10/3/03
Date

FISCAL NOTE
Requested by Legislative Council
01/21/2003

Bill/Resolution No.: HB 1390

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$16,320		\$16,320
Expenditures				\$12,691		\$10,185
Appropriations						

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

The request is for authorization to establish a fund to receive funds for electronic filing of appellate case documents. The analysis is based on and in line with case volumes, costs, and revenues documented in Washington and North Carolina. Projections are based on 35% of the appellate case filings, or 384 cases per biennium, of the caseload being filed electronically.

One half of the cases will be filed with appendices. The average case length of briefs will be 30 pages and the average length of the appendices will be 50 pages. Central Duplicating will assemble all of the documents.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

384 cases with 196 cases being 30 pages in length and 196 cases being 80 pages in length. Based on a charge of \$50 for brief and appendix and \$35 for brief only, the following revenues are projected.

192 cases at \$50 = \$9,600

192 cases at \$35 = \$6,720

total \$16,320

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

The expenses for Central Duplicating are budgeted with a 10% increase in 05-07

03-05 biennium

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Fax card \$1,500

Software \$1,995

Maintenance \$300

Duplicating \$8,896

Total \$12,691

05-07 biennium

Software \$500

Maintenance \$300

Duplicating \$9,795

Total \$10,595

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Ted C. Gladden	Agency:	Supreme Court
Phone Number:	328-4216	Date Prepared:	01/24/2003

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10/3/03
Date

Date: 2/4/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1390

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Eckre Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Eckre

If the vote is on an amendment, briefly indicate intent:

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Dennis Halliwell
Operator's Signature

10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
February 4, 2003 12:10 p.m.

Module No: HR-21-1597
Carrier: Eckre
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1390: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1390 was placed on the
Eleventh order on the calendar.

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Operator's Signature

10/3/03
Date

2003 SENATE JUDICIARY

HB 1390

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Deanna Halliwell
Operator's Signature

10/3/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1390

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 03/03/03

Tape Number	Side A	Side B	Meter #
1	X		0.0 -15.9
Committee Clerk Signature <i>Maria L. Salberg</i>			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

Testimony Support of HB 1390

Justice Dale V. Sandstrom - Introduced the Bill (meter 1.8) Read Testimony - Attachment #1.

Discussed how with the anthrax scare it hampered paper filing. Many of our packages come in large boxes and well bounded. We require seven paper copies and one computerized copy (disc).

Senator Stanley W. Lyson, Vice Chairman asked if it was customary for the Justice Department to set the fees? No. We are requesting this to have the flexibility to only cover our costs. Costs will depend on size of documents submitted for copying and binding. This is not a mandatory process. How popular will this be Sen. Lyson followed up with. We have no idea.

Senator Carolyn Nelson reviewed with Justice Sandstrom the submitting process (meter 5.6).

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Donna Hall
Operator's Signature

10/3/03
Date

Page 2
Senate Judiciary Committee
Bill/Resolution Number HB 1390
Hearing Date 03/03/03

Discussion of the process already electronically submitted and the possibility of charging by the page. Transcripts are charged by the page, that is the only other fee charge used in the department. The Supreme Justice spoke of this process is already in use in other states. This process would allow anyone with a computer to access and submit there documents, they would not have to purchase a program to do this.

Senator Thomas L. Trenbeath asked if this is enacted what is the Supreme Courts process of implementation and charge allocating (meter 11.7) We can print and bind the materials very cheaply and we are only covering our costs to do this process.

Sen. Lyson discussed the State Bare Associations view on this bill

Senator John T. Traynor, Chairman discussed (15.6) of fees in the Supreme Courts.

Testimony in opposition of HB 1390

None

Testimony Neutral to HB 1390

None

Senator John T. Traynor, Chairman closed the hearing

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Thomas L. Trenbeath
Operator's Signature

10/3/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1390

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 03/05/03

Tape Number	Side A	Side B	Meter #
1		X	32.9 - 38.1
Committee Clerk Signature <i>Maria L Solberg</i>			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

Testimony in Support of HB 1390

Christine Hogen - In Support of spoke of the convenience of the process and the cost savings (meter 34.7) Concern that the fees were not set yet.

Senator Stanley W. Lyson, Vice Chairman wanted to place a "Sunset Clause" on Bill.

Motion Made to DO PASS HB 1390 Senator Thomas L. Trenbeath and seconded by Senator Carolyn Nelson

Roll Call Vote: 5 Yes. 0 No. 1 Absent

Motion Passed

Floor Assignment: Senator Thomas L. Trenbeath

Senator John T. Traynor, Chairman closed the hearing

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Deanna Hall Smith
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10/3/03
Date

Date: March 5, 2003
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1390

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Sen. Trenbeath Seconded By Sen. Nelson

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	A	A
Sen. Stanley Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) FIVE (5) No ZERO (0)

Absent ONE (1)

Floor Assignment Senator Thomas L. Trenbeath

If the vote is on an amendment, briefly indicate intent:

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Donna Halliwell
Operator's Signature

10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
March 5, 2003 1:18 p.m.

Module No: SR-39-3962
Carrier: Trenbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1390: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1390 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-39-3962

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10/3/03
Date

2003 TESTIMONY

HB 1390

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Operator's Signature

10/3/03
Date

Testimony of Justice Dale V. Sandstrom on H.B. 1390
House Judiciary Committee
February 4, 2003

House Bill 1390 was introduced by Representative DeKrey at the request of the Supreme Court.

The bill is directed toward allowing parties to file appellate documents electronically instead of by paper copies as is the present rule. The fee would cover costs of duplicating and binding that would fall to the Court, which is now the responsibility of the parties.

The use of this electronic filing system would be optional.

The documents would include the briefs and appendices. The appendix is a compilation of key documents in the lower court record.

We believe the availability of electronic filing will be a benefit to parties, and will offer additional benefits to those not in the Bismarck area.

An important additional consideration, which accelerated our plans for electronic filing, is the enhancement of our ability to continue functioning if the mails become unusable. We are certainly mindful of the disruption anthrax brought to the United States Supreme Court and other governmental entities, and the potential for future disruption by chemical and biological agents.

We urge your favorable action.

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10/3/03
Date

Att. #1

Testimony of Justice Dale V. Sandstrom on H.B. 1390
Senate Judiciary Committee
March 3, 2003

House Bill 1390 was introduced by Representative DeKrey at the request of the Supreme Court.

The bill is directed toward allowing parties to file appellate documents electronically instead of by paper copies as is the present rule. The fee would cover costs of duplicating and binding that would fall to the Court, which is now the responsibility of the parties.

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D. V. Sandstrom
Operator's Signature

10/3/03
Date